



February 5, 2018

VIA ECF

Hon. Michael A. Hammer, U.S.M.J.
U.S. District Court for the District of New Jersey
Martin Luther King, Jr. Federal Building & U.S. Courthouse
50 Walnut Street
Newark, NJ 07101

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**RE: *Merck & Co., Inc., et al. v. Merck KGaA*,
Civil Action No. 16-0266 (ES) (MAH)**

Dear Judge Hammer,

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This firm, along with Sidley Austin LLP, represents Plaintiffs Merck & Co., Inc. and Merck Sharp & Dohme Corp. ("Plaintiffs") in the above-referenced matter. We submit this letter jointly with Blank Rome LLP and Debevoise & Plimpton LLP, counsel for Defendant Merck KGaA, Darmstadt, Germany ("Defendant").

The parties submit this joint letter to request an eight-week extension of the current discovery schedule. The parties have been working diligently to narrow and resolve their discovery disputes and have made significant progress. However, unresolved disputes remain and are the subject of ongoing meet-and-confer discussions. Postponing the current February 15 deadline for raising fact discovery disputes is likely to reduce the need for judicial resolution of those issues.

The parties also seek an eight-week postponement of the current April 1 deadline for the completion of fact discovery. The production of documents is not yet complete, and the parties will need additional time to complete the depositions of fact witnesses.

For these reasons, the parties jointly request that the Court order the below discovery schedule. For the Court's reference, the parties have listed the Court-ordered deadlines currently in place, as set forth in the Court's orders on September 12 (Dckt No. 80) and December 18 (Dckt No. 86).

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Hon. Michael A. Hammer, U.S.M.J.
February 5, 2018
Page 2

Event	Current Deadline	Requested Deadline
Raise all written discovery disputes	February 15, 2018	April 12, 2018
Complete all fact discovery	April 1, 2018	May 28, 2018
Deliver Plaintiffs' affirmative expert reports	May 1, 2018	June 26, 2018
Deliver Defendant's affirmative and rebuttal expert reports	June 26, 2018	August 21, 2018
Deliver Plaintiffs' rebuttal and reply expert reports	July 16, 2018	September 10, 2018
Complete all expert discovery	August 23, 2018	October 18, 2018

Thank you for your consideration.

Respectfully submitted,

s/John E. Flaherty

John E. Flaherty

cc: Counsel of Record (via email)

SO ORDERED on this 6th day of
February 2018:


HON. MICHAEL A. HAMMER
United States Magistrate Judge